

The Orissa Gazette

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IN THE COURT OF THE ADDITIONAL ASSISTANT COMMISSIONER OF
ENDOWMENTS, SAMBALPUR

The 28th July 2005

U/s 42 (6) of the O. H. R. E. Act, arising out of O. A. Case No. 8/1990 u/s 42 (I) (a) of the O.H.R.E. Act, 1951.

Present :

Shri S. Patnaik, O.J.S. (I),
Additional Assistant Commissioner of Endowments, Sambalpur.

In the matter of Shri Tareni Thakurani, bije at Ghatagaon, P. O. Ghatagaon, P. S. Ghatagaon, District Keonjhar.

Suo motu-Vrs.-The Collector and District Magistrate, Keonjhar and Managing Trustee of Maa Tareni Thakurani Trust, Ghatagaon.

ORDER

In exercise of the power conferred under Rule 40 of the Scheme formulated vide order, dated the 24th February 1991 in O. A. Case No. 8/1990 u/s 42 of the Orissa Hindu Religious Endowment Act, 1951 and as per Letter No. 1169, dated the 4th day of December, 2008 of the Collector and Managing Trustee of Maa Tareni Temple Trust, Ghatagaon, the provisions of the Scheme are hereby amended in the interest of the institution as follows :—

(1) The Scheme shall come into force at once, after its publication at the spot and in the *Orissa Gazette*.

(2) In the Scheme, if not inconsistent with the context of the Act, means the Orissa Act-II of 1951 as amended from time to time. The 'Word' net income means the actual income of the year (including opening balance) remaining for expenditure after payment of Government and other public dues, such as, contribution, audit fees and if there is any loan payable 15% of the same and all other words and expressions used herein shall have the respective meaning assigned to them in the Act.

(3) The said institution with its endowments being a big and important institution of Orissa shall be administered by a Board of Non-Hereditary Trust Board not exceeding 09 (nine) members. This representing local administrative authority, local persons and persons having reputation of good character in society morality and integrity. The Board of the Trustee shall be appointed by the Additional Assistant Commissioner of Endowments, Sambalpur subject to condition that they are not disqualified u/s 29 of the O.H.R.E. Act and in pursuance of the guide line set by the Commissioner of Endowments, Orissa, Bhubaneswar, who shall hold office for such period not exceeding 2 (two) years as may be fixed by him. The Collector, Keonjhar shall invariably to be President of the Board of being appointed as Trust Board members by the Additional Assistant Commissioner of Endowments, Sambalpur.

(4) The Board of the Trustees shall be a body of corporate and all suits and legal proceedings by or against the said board shall be conducted in the name of the Executive Officer on behalf of the said Board.

(5) The Additional Assistant Commissioner of Endowments, Sambalpur may remove, any of the member of the Board at any time, should be find it necessary in the interest of the institution and record a proceedings to that effect stating the grounds for such removal.

(6) Any vacancy or vacancies occurring in the office of any of the Trustee during or at the end of the said or subsequent period shall be filled up by the Additional Assistant Commissioner of Endowments, Sambalpur.

(7) The Board shall meet at least once in a month within the premises of the institution for passing the accounts of the previous month and for conducting any other matters and for sanctioning necessary expenditure, for considering any other matter concerned with the management of the institution.

(8) Every meeting of the Board shall be presided over by the President or in his absence by a members chosen by the members to preside for the occasion.

(a) The meeting of the Board shall be convened by the Executive Officer in consultation with the President on giving adequate notice to other members. The meeting of the Board can also be convened by the Executive Officer on receipt of a written notice from 1/3 members of the Trust Board and the said meeting shall be convened after giving adequate notice to other members.

(b) Provided that if no such meeting is convened either by the Executive Officer or members within 15th day of the month, the Additional Assistant Commissioner of Endowments, Sambalpur or any person authorised by him on his behalf shall have power to call such meeting and the said meeting shall be deemed to be a meeting called by the Board and in such meeting no quorum will be necessary.

(c) The Executive Officer is also *ex officio* Secretary of the Board.

(d) Quorum for a meeting of the board shall be ordinarily 5 (five).

(e) If there is any urgent item on business on the agenda of any particular meeting which cannot be postponed for the next meeting, the members in attendance, even if they are less than 4 (four) can get through the business, provided if they differ any particular issue, the same will be referred to the Additional Assistant Commissioner of Endowments, Sambalpur whose decision shall be final.

(9) The proceedings of the meeting held shall be recorded in a book to be kept for the purpose and shall be signed by all the members present. Copies of the resolution shall be submitted to the Additional Assistant Commissioner of Endowments, Sambalpur for approval.

(10) Subject to the provisions of the scheme and to the control of the Board, the Executive Officer shall manage the properties and all other affairs of the temple and arrange for the conduct of the deity worship and ceremonies and other festivals of the temple according to custom and usages.

(11) (a) The Executive Officer shall be appointed by the Additional Assistant Commissioner of Endowments, Sambalpur in consultation with the Commissioner of Endowments, Orissa, Bhubaneswar by inviting application from the interested candidates who shall hold office for a period of 5 (five) years or as fixed by the Additional Assistant Commissioner of Endowments, Sambalpur. The Executive Officer shall be a person in professing Hindu religion to undertake the day to day affairs of the management of the institution under the supervision of the President.

(b) The Additional Assistant Commissioner of Endowments, Sambalpur may remove, suspend, dismiss, fine for breach of trust, disobedience, neglect in duty, disobedience of lawful order by giving 30 days notice or salary in lieu thereof.

(c) The Executive Officer shall paid out of the funds of the institution, such salary as may be fixed from time to time by the Additional Assistant Commissioner of Endowments, Sambalpur.

(d) He shall furnish the cash or security as may be fixed by the Additional Assistant Commissioner of Endowments, Sambalpur in the manner laid down under the O.H.R.E. Rules.

(e) The Executive Officer shall be a public servant within the meaning of Section 21 of I. P. C. He shall hold office for such period as may be fixed by the Additional Assistant Commissioner of Endowments, Sambalpur and in exercise such power and perform such duty as may be fixed by the Additional Assistant Commissioner of Endowments, Sambalpur.

(e) The Executive Officer must at least have attained the age of 21 years and not to be more than 60 years of age.

(g) He should be a graduate of any discipline and preference can be given the person having experience in accountancy and computer knowledge.

(h) Conditions of the service of the Executive Officer shall be same as mentioned in the Act and Rule.

(i) All employees of the institution excepting the Executive Officer, shall be appointed by the Trust Board and be paid such salary as may be fixed from time to time by the Trust Board subject to the provision of the expenditure fixed by the Additional Assistant Commissioner of Endowments, Sambalpur with Budget Estimate. In case of non functioning of the Trust Board, the Executive Officer can give appointment after taking approval of the Additional Assistant Commissioner of Endowments, Sambalpur.

(j) All employees shall be whole time servant of the institution and shall act under the statutory provisions of the Act and Rule of the scheme.

(k) The Trust Board may remove, suspend, dismiss or fine any of the employee including hereditary sevayat and office bearer for neglect of duty, breach of trust, incapacity, misconduct, disobedience of lawful orders or other misconducts. The employees so punished by the Trust Board may prefer any appeal before the Additional Assistant Commissioner of Endowments, Sambalpur within a month from the date of the receipt of the said order, whose decision shall be final.

12 (a) The Executive Officer shall be responsible for custody of all records and properties including cash and valuable of the institution and shall arrange for the proper collection of offerings made in or at the institution.

(b) All the valuable shall be kept in a locker in a nationalised bank to be jointly operated by the President and Executive Officer of the Board. One of the key should be with the President and other one with the Executive Officer. That apart, proper inventory register should be maintained both of them and valuable kept in the locker to be jointly signed by the Executive Officer and the President.

(13) Subject to the approval of the Board, the Executive Officer :—

(i) May lease out the land and building of the institution which are usually lease out annually.

(ii) May call for tender for works or supplies and accept such tender.

(iii) May in case of emergency, direct the execution of any work or doing of any act which is not provided in the Budget for the year or not approved in the proceedings of the meeting of the Board, the immediate execution or doing of what is in his opinion necessary for the preservation of the properties of the institution or for the service or safety of the pilgrims resorting to the institution or for the due discharge of the seva puja of the deities in the institution and may direct that expenses of execution of such work or doing act shall be paid from the funds of the institution.

(iv) The Executive Officer shall pay salary and other endorsement of the employees of the Board and appointment of the employees have been approved by the Board.

(v) He shall make payment of statutory Government dues of the Board with the approval of the President.

(vi) He shall incur expenditure of daily up to limit of Rs. 2,000 (Rupees two thousand) within the expenditure held approval by the Board. The expenditure beyond Rs. 2,000 (Rupees two thousand) and up to Rs. 20,000 (Rupees twenty thousand) can be made with the approval of the President within the budget ceiling approved by the Board. Any expenditure exceeding Rs. 20,000 (Rupees twenty thousand) approval of the Board will be necessary.

(14) In case of emergency, the Executive Officer can make temporary arrangement for carrying of the duties of any office holder and if such duties are not attended by such officers, such office holder due to death or absence and matter shall be placed before the Trust Board at its next meeting.

(15) The President of the Trust Board shall be the disciplinary authority in case of the employees except Executive Officer. The employees aggrieved on the decision of the President can file an appeal before the Additional Assistant Commissioner of Endowments, Sambalpur.

(16) The Board shall take necessary steps to recover lands and other properties wrongfully alienated by the ex-trustees or ex-marfatdars of any person claiming under them, if necessary by filing suits and cases after obtaining the previous sanction of the Additional Assistant Commissioner of Endowments, Sambalpur.

(17) The expenditure to be incurred on daily service and festival shall be in accordance with dittam (scale of expenditure) duly approved by the Additional Assistant Commissioner of Endowments, Sambalpur.

(18) After consulting with the President, the Executive Officer shall prepare in the prescribed form, the budget of the receipts and expenditure of the institution for next financial year and place the same before the Board for its recommendation and shall submit annual budget estimate before the end of the December each year to the Additional Assistant Commissioner of Endowments, Sambalpur in prescribed *pro forma* in triplicate for approval.

(a) The establishment expenses shall not exceed 20% of the net income of the institution with previous sanction of the Additional Assistant Commissioner of Endowments, Sambalpur.

(b) The budget shall provide expenditure of 30% of the net income towards 'nity' and 'seva puja' and 30% for periodical festival.

(c) The budget shall provide a sum not less than 5% of the net income of the institution for the purpose of petty repair and white washing and capital construction including works of utility.

(d) The budget shall provide not less than 5% for charity and other allied purpose.

(e) The budget shall provide 5% of the net income shall be kept in the reserve fund for meeting unforeseen liabilities and the balance provided in the budget as closing balance.

(f) Budget shall provide a sum not exceeding 5% of the net income of the institution for the purpose of meeting litigation charges.

(19) Subject to the approval of plan estimate by the Commissioner of Endowments, Orissa, Bhubaneswar, the Trust Board can spend from the reserve fund, the saving and deposit of the institution towards major construction of other development works.

(20) The Additional Assistant Commissioner of Endowments, Sambalpur on receipt of such budget may make such alternation, ommission, addition therein and may instruct the Trust Board to chalk out wages and means for improvement of financial condition of the institution to improve the proposed expenditure and to keep reserve fund.

(21) The Trust Board can prescribe a fee for various offerings to the deity made by the visitors and pilgrims.

(22) The Trust Board can issue licence to the venders of 'Bhog', 'Pradeep' (Dipa), 'flowers', 'shaving salons' 'coconut', ladu seller of the deity of 'Maa Tarini Photo', 'book seller' and other persons who take an advantage of the institution for monetary gain and excess fees or demands in respect of their business.

(23) All collections of the institution shall be deposited in any Nationalised Bank with provisions of the easy withdrawal to meet legitimate expenditure. It will be jointly operated by the President of the Trust Board and the Executive Officer. All the fees deposit shall be pledged in the name of the Commissioner of Endowments, Orissa, Bhubaneswar.

(24) After obtaining approval of the Additional Assistant Commissioner of Endowments, Sambalpur, the Board can delegate to the Executive Officer such its power, duties and functions as may be provided by the Act and Rules made thereunder.

(25) Subject to the O.H.R.E. Act, 1951 and the scheme order, the Trust Board is also empowered to prepare a state of rules on management work and conduct officers and other employees of the institution and people who work within the premises of the institution and enforce the same after obtaining approval of the Additional Assistant Commissioner of Endowments, Sambalpur.

(26) The Executive Officer shall keep all accounts and receipts and disbursement and shall maintain all the registers as prescribed under the O.H.R.E. Act and Rules,—

(a) The accounts of the institution shall be audited in every alternative year by the auditors and to be appointed by the Commissioner of Endowments, Orissa, Bhubaneswar.

(b) The provisions contained in the O.H.R.E. Act and Rules regarding budget, accounts, and audit shall be applicable to the institution.

(c) No trustee shall incur any expenditure, not duly approved in the Budget Estimate for the year.

(d) The trust board is liable to pay contribution dues assessed by the Commissioner of Endowments, Orissa, Bhubaneswar and any other dues from time to time.

(27) There shall be maintenance of a single cash book showing entire income and expenditure of the institution. There shall be two Bank accounts, one shall be meant for reserve funds. The ledger of accounts shall be maintained by the institution. There shall be stock and store register of the institution containing the list of valuable receipts, either Executive Officer or any employees authorised by the Trust Board shall sit at the entrance of the temple and receive donations, movable articles from the devotees and grant receipts through out the period when the temple remains open.

(28) The Hundi shall be opened by the Staff of the institution once in a month on 25th instant in presence of Trust Board members. The Inspector of Endowments, Keonjhar and two gentlemen of the locality and one sevayat (pujak) before prior intimation.

(29) All purchase shall be made from the reputed firm having O.S.T. and C.S.T. numbers. There shall be a complaint register which shall be displayed to the devotees at the entrance and it shall be put before the Trust Board meeting every month.

(30) All the valuable properties like jewellery, ornament and other valuable articles of the institution shall be kept in a Nationalised Bank locker and ornament on daily used shall be kept in a iron chest in double locks, one key to be kept with the Executive Officer and other with the President.

(31) The Executive Officer shall ensure the signed of all the Trust Board members in the meeting in the resolution book at the beginning and at the end, as laid down by the Commissioner of Endowments, Orissa, Bhubaneswar vide order No. 876, dated the 26th day of July, 1977.

(32) The Additional Assistant Commissioner of Endowments, Sambalpur shall reserve the right to add, modify and alter any of the provision for the scheme for its proper management.

(33) In case of any doubt or ambiguity, it shall be decided by the Additional Assistant Commissioner of Endowments, Sambalpur whose decision shall be final.

(34) The Inspector of Endowments, Keonjhar shall report about the function of the institution in accordance with the scheme order in each quarter, while the Divisional Inspector of Endowments, Sambalpur shall report about the function of the institution in accordance with the scheme order once in every year.

(35) All receipt books and donation receipt books shall be printed with the prior approval of the Additional Assistant Commissioner of Endowments, Sambalpur, after proposal for it being passed in the Trust Board meeting. The number of receipt books shall contain endorsement of the Inspector of Endowments, Keonjhar without which no other books shall be invalid.

(36) All the functions and ceremonies of the deity shall be performed solely. No parallel committee or separate committee shall be functioned in the institution.

(37) For any reason, the Trust Board does not properly function due to internal misunderstanding, the President shall manage the institution as the Interim Trustee under the instruction of the Additional Assistant Commissioner of Endowments, Sambalpur.

(38) If for any reason to be recorded in writing, the Executive Officer resigns or on long leave, or absence from the duty, the president shall have power to appoint one of the willing employee of the Trust Office as in charge of the Executive Officer, after due consultation with other Trust Board members and after obtaining permission from the Additional Assistant Commissioner of Endowments, Sambalpur.

(39) The Trust Board shall bound to obey the order issued from time to time by the State Government, the Commissioner of Endowments, Orissa, Bhubaneswar, the Deputy Commissioner of Endowments, Orissa, Bhubaneswar and the Additional Assistant Commissioner of Endowments, Sambalpur.

(40) The amended scheme was come into force from the date of passing of the order. It shall be published in the Extraordinary, *Orissa Gazette* and on the temple wall immediately.

S. PATNAIK

28-07-2009

Additional Assistant Commissioner
of Endowments, Sambalpur

Judgement dictated to the Steno and corrected by me, pronounced in open Court on 28th day of July, 2009 under my seal and signatures thereof.

S. PATNAIK

28-07-2009

Additional Assistant Commissioner
of Endowments, Sambalpur

SCHEDULE

The temple Maa Tarani Thakurani bije at Ghatagaon, P.O. Ghatagaon, P. S. Ghatagoan, district Keonjhar with its lands and buildings of the temple, movable and immovable properties situated in or outside of the temple complex do form part of the scheme. It being the public religious endowments, the movable and immovable properties of the temple shall be supplemented to the Schedule by the Trust Board under intimation to the Additional Assistant Commissioner of Endowments, Sambalpur.

S. PATNAIK

28-07-2009

Additional Assistant Commissioner
of Endowments, Sambalpur